



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



383607

SEP 16 2009

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Carl Levin
United States Senator
Federal Building
Suite 720
110 Michigan Avenue, N.W.
Grand Rapids, Michigan 49503

Dear Senator Levin:

Thank you for your letter dated August 31, 2009, concerning the former Allied Paper landfill portion of the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund site. Specifically, you reference correspondence from Kalamazoo Mayor Bobby Hopewell pertaining to the U.S. Environmental Protection Agency's activities at the Allied Paper landfill and the Mayor's concern that contamination from the site may impact the City of Kalamazoo's well field in the future. I agree that EPA must be responsive to the City's concerns regarding the former Allied Paper landfill, and believe EPA has carefully considered and responded to the concerns raised by the City during site investigations.

In a letter and report dated September 17, 2008, the City voiced its concern that polychlorinated biphenyls from the former Allied Paper landfill could be impacting the City's well field. EPA forwarded these comments to Millennium Holdings, LLC (Millennium), the potentially responsible party at the former Allied Paper landfill. In response, Millennium conducted a supplemental groundwater investigation to address the groundwater concerns raised by the City. During development of the groundwater investigation plan, EPA sought input from the City, and Millennium revised the plan to address the majority of the City's comments. On April 22, 2009, EPA issued its formal response to the City on the groundwater investigation plan. A copy of that letter is enclosed along with an August 6, 2009, letter from Millennium's contractor, Arcadis, that also addresses the City's comments. The latter summarizes the interactions with the City and the substantive changes to the investigation plan that resulted from the City's concerns.

The preliminary findings of the groundwater investigation concluded that the former Allied Paper landfill was not impacting the City's well field. These conclusions support the original findings of the Michigan Department of Environmental Quality's Remedial Investigation Report, which was approved by EPA on March 7, 2008.

During the past twenty-one months, EPA has provided updates to the public regarding the Allied landfill at nine public meetings, met directly with the City and local stakeholders on five different occasions, and held numerous conference calls regarding the Allied landfill. EPA has met with the City specifically on the City's concerns regarding the potential for contaminated groundwater to impact its well field. These frequent public and stakeholder meetings not only inform members of the community but also provide a mechanism for public input into the development of cleanup options and ensure potential remedies are consistent with future uses at the site.

As part of the Superfund cleanup process, Millennium will submit its draft Feasibility Study (FS) Report to EPA on October 29, 2009. The FS Report will analyze potential cleanup remedies for the former Allied Paper landfill. After the FS has been submitted, EPA will hold a public meeting to discuss its contents.

EPA anticipates selecting a cleanup remedy for the former Allied Paper landfill in the fall of 2010. EPA will continue to involve the public, solicit input, and consider recommendations during the development of any cleanup remedy for the former Allied Paper landfill. Please be assured that the remedy EPA selects will be protective of human health and the environment.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

/s/ original s

Bharat Ma

Bharat Mathar
Acting Regional Administrator

Enclosures

CC: Cassaundra Eades, OCIR
Kathy Mims, OCIR
Brigid Lowery, OSWER-CPA
Kecia Thronton, OSWSER
Michelle Crews, OSWER
OSWER, Immediate Office



Superfund Division Correspondence for Acting Regional Administrator's Signature

Type of Document: Control

Name of Document: Allied Landfill Superfund Site in Kalamazoo, Michigan

Document # R5-009-001-3178-C

Originator/Phone:

NOTE: Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. See the plain language checklist on the reverse side of this sheet.

Date	Name	Secretary/Chief Initials
9/14/09	Author: Michael Berkoff	KS 9/14/09 9/15/09
9/15/09	Section Chief: R. Frey	R. Frey 9/15/09
9/15/09	Branch Chief: S. Jaffer draft OK	S. Jaffer 9/15/09
9-16-09	Director: Richard C. Karl	R. Karl
	Acting Regional Administrator: Bharat Mathur	

Return for Mailing _____

Correction Required: _____

(attach official file copy/return w/originator's Copy)

REMARKS/COMMENTS

Correspondence for RA's Signature

Type of Document: Control Correspondence

Control # R5-09-001-3178-C

Name of Document: ALLIED LANDFILL SUPERFUND SITE

Date Rec'd in ORA: 09/16/2009

From: SF

Contact Name: KATRINA JONES

Phone: 6-2871

<u>DATE</u>	<u>NAME</u>	<u>INITIALS</u>
<u>9/16</u>	Ronna Beckmann (AL/R5-C)	<u>Reb</u>
<u>9/16/09</u>	Mary Canavan (AL/R5-C)	<u>mjc</u>
	Ronna Beckmann (Attorney Advisor)	
	Walter Kovalick (Acting Deputy Regional Administrator)	
<u>9/16</u>	Bharat Mathur (Acting Regional Administrator)	<u>BM</u>

Correction Required? ☐ Yes ☒ No

Remarks: DUE DATE IS 9/21/09.



Correspondence Management System

Control Number: R5-09-001-3178-C

Printing Date: September 08, 2009 09:38:36



Citizen Information

Citizen/Originator: Levin, Carl

Organization: United States Senate

Address: SR-269 Russell Senate Office Building, Washington, DC 20510

Constituent: Hopewell, Bobby J.

Organization: The City of Kalamazoo

Address: 241 West South Street, Kalamazoo, MI 49007-4796

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: R5-09-001-3178-C

Alternate Number: N/A

Status: Pending, *164*

Closed Date: N/A

Due Date: Sep 21, 2009

of Extensions: 0

Letter Date: Aug 31, 2009

Received Date: Sep 3, 2009

Addressee: R5-Regional Administrator -
Region 5

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: RA-R5-Regional Administrator -
Region 5

Signature Date: N/A

File Code: 404-141-02-01 141a Controlled and Major Correspondence Record copy of controlled and major correspondence of the offices of the EPA Administrator, Deputy Administrators, Assistant and Associate Administrators, General Counsel, Inspector General, Chief

Subject: Allied Landfill Superfund Site in Kalamazoo, Michigan/Potential for contaminated ground water migration from this site to the city's well field.

Instructions: Address response to the Grand Rapids, Michigan district office as requested.

Instruction Note: N/A

General Notes: N/A

CC: Cassaundra Eades - OCIR
Kathy Mims - OCIR

Lead Information

Lead Author: Ronna Beckmann

Office: R5

Due Date: Sep 21, 2009

Assigned Date: Sep 4, 2009

Complete Date: N/A

Instruction: Address response to the Grand Rapids,
Michigan district office as requested.

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Gayvonne Gary	R5	Katrina D Jones	Sep 4, 2009	Sep 21, 2009	N/A
Instruction: Address response to the Grand Rapids, Michigan district office as requested.					

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-2202

RECEIVED

August 31, 2009

SEP 03 2009

U.S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATION

Mr. Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Mr. Mathur:

I am writing regarding the Allied Landfill Superfund Site in Kalamazoo, Michigan.

Enclosed is correspondence from Kalamazoo Mayor Bobby Hopewell, which outlines concerns the city has about the potential for contaminated ground water migration from this site to the city's well field. The city feels that the EPA has not properly taken into account these concerns in the Remedial Investigation.

I would appreciate your looking into this matter for me and ensuring that the city of Kalamazoo receives the full cooperation of the EPA during this process. Please address any response to my Grand Rapids office listed below.

Thank you for your assistance.

Sincerely,



Carl Levin

CL/pt

Enclosure

STATE OFFICES

DETROIT
477 MICHIGAN AVENUE
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DETROIT, MI 48226
(313) 226-6020

ESCANABA
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SUITE 104
TRAVERSE CITY, MI 49684
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WARREN
30500 VAN DYKE
SUITE 206
WARREN, MI 48093
(586) 573-9145

In collaboration with our consultant, NTH Consultants, Ltd. of Northville, Michigan, the City submitted a comprehensive report dated September 17, 2008 to USEPA Region V critiquing the RI, which effectively ignores the possibility of impact to the City's well field. City staff also strongly posits that the RI has other shortcomings that are also identified in our report. The City's submittal has gone unanswered to date. Furthermore, we have concluded that the RI is incomplete because it has fundamentally failed to meet the purpose of an RI, which is to accurately characterize the site so that it can be assessed for all potential risks to human health and the environment.

The City was somewhat hopeful when USEPA Region V personnel requested the responsible party to develop a ground water work plan to address the potential for offsite migration. However, the City and its consultant provided a number of technical review comments to that work plan that, as in the RI, pertained to areas where the proposed scope of work needed to be enhanced in order for the study to meet current best practices when investigating a site for the possibility of offsite contamination. For the most part, our comments were again dismissed.

It appears that City staff has been allowed to review documents, participate in meetings and even submit technical review comments; however, there have been no substantive enhancements to the RI to reflect the City's concerns. At this point, the RI doesn't adequately address the potential for offsite contaminated ground water migration from this site to the City's well field and potentially to the public's tap water. In essence, a site remediation method could be selected that would not effectively protect offsite ground water resources such as our well field from PCB contamination on a long term basis.

I feel strongly that our concerns are going unaddressed by USEPA Region V staff and that public health is being put at risk. The City has provided constructive technical comments that, if addressed, would make the RI a document that would be rooted in good science and could be supported by the public, regulators, elected officials and scientists. I had hoped that by allowing this unprecedented opportunity to provide sound technical review comments, a remediation method could be chosen that would provide the city with a long term solution that would assure protection of our valuable natural groundwater resources. Unfortunately, I find myself in the position of again asking for your help to intervene once more on the City's behalf to cause the USEPA Region V staff to directly address the City's many concerns that have been submitted in writing over the past two years. I am asking that USEPA Region V develop an overall remediation plan that the City can assure its many citizens that the remedial action to be implemented will be protective of their health and the environment on a long term basis. As of yet, City staff and I have not yet reached this level of comfort.